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**Subject:** EPA Mid-Atlantic Region Headlines - Friday, February 10, 2017

# **EPA Mid-Atlantic Region Headlines**

**Friday, February 10, 2017**

## **\*\*\* DAILY HOT LIST \*\*\***

### **EPA Nominee Pruitt Set for Feb. 15 Confirmation: Inhofe**

**BNA DAILY ENVIRONMENT REPORT** The confirmation of Oklahoma Attorney General Scott Pruitt as the next EPA administrator is tentatively scheduled for Feb. 15, a prominent Senate Republican and Pruitt supporter told Bloomberg BNA Feb. 9. That would mean Pruitt would take the reins of the Environmental Protection Agency just one day before an Oklahoma district court is scheduled to hear a legal challenge over a long-delayed request for e-mails shared between Pruitt's office and fossil fuel companies. Sen. James Inhofe (R-Okla.), the former chairman of the Senate Environment and Public Works Committee, said the vote on Pruitt will follow the confirmations of Rep. Tom Price (R-Ga.) as Health and Human Services secretary and Steve Mnuchin as Treasury secretary. "He'll be the next one in line, so that's why we'll be able to" confirm him on Feb. 15, Inhofe told Bloomberg BNA. Republican leadership didn't confirm that date. There is a "cluster of possibilities for next week and Pruitt is one of them," Sen. John Thune (R-S.D.), the third-ranking member of the Senate Republican caucus, told Bloomberg BNA. Senate Majority Whip John Cornyn (R-Texas), however, told reporters last week Pruitt would follow Mnuchin.

### **Citizen groups gearing up for water protection battles**

**CHARLESTON GAZETTE-MAIL** After Gov. Jim Justice's promise on Wednesday night to rein in what he depicted as out-of-control state regulators, and following a meeting with Department of Environmental Protection Secretary Austin Caperton, environmental groups are gearing up for potential fights this legislative session over rules that aim to protect West Virginia's rivers and streams. The West Virginia Environmental Council, the West Virginia Rivers Coalition and other groups are concerned that efforts will be made to reverse the longstanding policy of protecting all of West Virginia's streams as potential drinking water sources. They also are worried that industry lobbyists may work to try to gain more exemptions to the chemical storage tank law passed following the January 2014 Freedom Industries spill, or seek to bring back a proposed change in the way West Virginia calculates water pollution permits, a change that could allow more cancer-causing chemicals to be discharged. In an email

on Thursday, the Environmental Council said Justice and the Legislature "have declared war against West Virginia's environmental protection regulations and pledged allegiance to outside industry in the name of dollars and cents." "We cannot allow the governor or the Legislature to further poison our water systems and the air we breathe by weakening the business-friendly regulatory standards already in place," the group said. In his State of the State speech, Justice promised that he was ordering DEP to stop saying "no" and standing in the way of business growth, and depicted the agency's inspectors as wearing "T-shirts and old jeans" and "not having shaved in forever."...

## **Butler school district's maintenance director resigns amid lead-tainted water scandal**

**PITTSBURGH TRIBUNE-REVIEW** The Butler Area School District's maintenance director has resigned, just days after its superintendent stepped down in the aftermath of a scandal involving lead-tainted water. The school district posted on its website Thursday that it received and accepted the resignation of Glenn Terwilliger. Dale Lumley, the former superintendent, resigned Sunday and is named as a defendant in a federal lawsuit against the school district. The lawsuit contends that Lumley and administrators concealed information for months that Summit's water supply contained dangerous amounts of lead. The school district announced in a Jan. 20 letter to parents that students and staff at the elementary school had been told not to drink the water from a well on the property because it had been contaminated with lead. But lawyers for plaintiff Jennifer Tait contend the administration knew of lead problems in August and conspired to stay silent. Further testing last week found E. coli bacteria in the well that supplies the school, prompting the building to be closed indefinitely. Students at Summit temporarily are attending classes in the shuttered Broad Street School until the water issues are resolved...

## **Drexel Study: Methane Levels Increase As Well Sites Decline**

**STATE IMPACT PENNSYLVANIA** A new study shows that background levels of methane in Northeast Pennsylvania increased significantly at a time when well drilling activity decreased, pointing to leaks of natural gas during production and transportation. Researchers from Drexel University found that atmospheric levels of the potent greenhouse gas increased by 100 parts per billion between 2012 and 2015. Typically, background levels of methane would have increased by 18 parts per billion in three years, according to the study's director Peter DeCarlo, who runs Drexel's Air Resource Research Laboratory. "So there's clear increases in emissions happening in that region over this time span," DeCarlo said. The study adds to a growing body of research on the overall climate impact of switching power plants from coal to natural gas. Methane is considered more potent a greenhouse gas than carbon dioxide because although it breaks down more quickly than CO<sub>2</sub>, it traps heat 28 times more effectively over the course of 100 years. This week, Pennsylvania's Department of Environmental Protection issued new proposals for regulating methane emissions. The methane measurements were not taken directly from natural gas sites like compressor stations or well sites, but instead ground-level sampling occurred across Northeast Pennsylvania, where there's a heavy concentration of shale gas drilling...

## **Feds Ignored Contamination For DECADES In Poor Neighborhood Superfund Site**

**THE DAILY CALLER PHILADELPHIA** — Environmental Protection Agency (EPA) officials let pollution threaten a community “in the minority” with limited money and influence for more than 35 years, a local environmental activist said. Congress ordered the EPA and Fish and Wildlife Services (FWS) to study and clean pollution at the FWS-owned John Heinz National Wildlife Refuge at Tinicum near Philadelphia, Pennsylvania in 1980. Little waste has been cleaned up since that time and contaminants are still leaking into the Darby Creek, running through the refuge, even though it was made a Superfund site in 2001. “It’s been a long, slow process,” Darby Creek Valley Association President Jaclyn Rhoads told The Daily Caller News Foundation. “We’re all frustrated. The residents are frustrated.” “If it were in a much more affluent community or had people with connections to elected officials, you might have seen quicker action,” she continued. “They’re still waiting for a final action that fully addresses the problem.” Rhoads’ association has fought to protect the Darby Creek watershed since 1988. The group received EPA funding in recent years to hire an expert that can explain the agency’s scientific findings in a way the public can understand. The Eastwick community in southwestern Philadelphia was among the neighborhoods the pollution at the refuge affected. Eastwick’s 26 percent poverty rate was double the national rate, and its median household income was around \$15,600 short of the country’s median household income. The neighborhood is also 43 percent black – more than triple the national ratio. “We’re talking about a community that is in the minority,” Rhoads told TheDCNF, regarding the neighborhood’s income level. “We’re not talking about an affluent community that can pull together their resources and fight back. They didn’t have resources to leverage.”

## **Feds missed drinking water ‘risk’ with Potomac sheen, utilities say**

**WTOP RADIO WASHINGTON, D.C.** WASHINGTON — Local water utilities say they were left off a special “unified command center” set up by Environmental Protection Agency to respond to an oil sheen on the Potomac River late last year and that the feds focused too much on determining who was responsible for the spill and not enough on protecting the D.C. water supply. Regional water utilities are undertaking their own “after-action” report on the sheen to better prepare for future spills, according to a memo prepared ahead of a Wednesday meeting of the Metropolitan Washington Council of Governments. “Of critical concern is that the EPA focused on finding the responsible party for the sheen and did not appear to recognize the risk to and the need to protect the region’s drinking water supplies,” the memo stated. “The drinking water utilities are concerned that this may have resulted in a delay in the release being contained and stopped.” The Potomac sheen was first spotted Nov. 27 near Whites Ferry, Maryland, sparking an EPA response, which included diverting it with booms. Testing determined the substance was petroleum based and it was eventually traced to an NRG power station in Dickerson, Maryland. The water utilities also installed protective booms in the Potomac and shut off access to intake valves to protect the water supply. But the companies were not included as part of EPA’s command center. “At first, the issue was to identify what was going on, protect the river and, initially, we were not as involved as we eventually were on the water-treatment side,” Tom Jacobus, general manager of the Washington Aqueduct, told WTOP after the utilities’

presentation Wednesday. “There perhaps can be a notion that, well, a water treatment plant can treat anything that’s in the river.” In fact, the utilities are not designed to treat oil-slickened waters and the only recourse is to shut off intake valves. Lessons learned from November’s spill will aid future response efforts, Jacobus said...

## **Will Scott Pruitt Come to Love EPA Leniency He Once Opposed?**

**BNA DAILY ENVIRONMENT REPORT** Scott Pruitt's mission to roll back Obama EPA regulations, particularly on climate, could be as simple as rereading the Clean Air Act. Pruitt, President Donald Trump's pick for Environmental Protection Agency, championed narrow readings of EPA power in legal battles with the agency as Oklahoma attorney general. Now, however, the wide latitude afforded to regulators by the courts to interpret the law could prove to be his best tool to undermine or eliminate climate regulations on power plants or limit the reach of the Clean Water Act. If confirmed as administrator, Pruitt could revive some of the arguments he had offered against Obama-era EPA regulations, reading new limits on the agency's power that could pass judicial muster, attorneys said. “When he's argued in the past that the plain language [of the law] supports his position, you'd also expect to see a repeat of those arguments,” Jonathan Adler, director of the Center for Business Law and Regulation at Case Western Reserve University School of Law, told Bloomberg BNA. In lawsuits against the EPA, including one attempt to have the EPA's carbon dioxide standards for power plants, known as the Clean Power Plan, heard in an Oklahoma District Court, Pruitt accused the Obama administration of an attempt to “manufacture ambiguity to expand its interpretative license” of laws such as the Clean Air Act and Clean Water Act. “That certainly would have been a reasonable interpretation the first time around,” said Seth Jaffe, a partner in Foley Hoag LLP's Boston office who has argued conservatives should embrace Chevron deference. Courts often grant agencies deference to interpret and implement laws that have ambiguous elements. But Pruitt's own interpretive license could be his best bet for clawing back regulations he opposes.

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# **PENNSYLVANIA**

## **PHILADELPHIA INQUIRER**

Legislator questions shale industry's claim it slashed influence spending The Marcellus Shale Coalition, the regional gas industry’s trade association, retroactively amended its 2016 Pennsylvania disclosure reports to list a \$3 million reduction in lobbying expenses last year, raising suspicions among anti-drilling activists that the organization is downplaying its influence. The amended statements, which erased about 80 percent of the coalition’s previously reported lobbying expenditures for the first three quarters of 2016, were filed with the Pennsylvania Secretary of State’s office at the end of January, said State Rep. Greg Vitali (D., Delaware), an outspoken environmental advocate. “It just seems like such a large amendment, and I have no idea why,” Vitali said Thursday. “We’re not saying something nefarious is going on, but it is just such a huge discrepancy, I think it raises questions.” The industry group dismissed Vitali’s comments, saying that its earlier financial statements reported “budgeted” lobbying expenses it corrected with actual expenditures in the amended reports. The industry dramatically reduced

spending last year because of the downturn in gas drilling, Erica Clayton Wright, a coalition spokeswoman, said in a statement.

### **PITTSBURGH POST-GAZETTE**

Tree-planting initiative to help 'revive the local landscape' An environmental support group is preparing to plant acres of trees along a number of streams in the region as part of a statewide initiative to improve the health of waterways. Encompassing a handful of watersheds, the years-long project will involve planting some 2,000 native trees and shrubbery over a total of 10 acres. The greenery will enrich not only the scenery but also stream banks, serving as a buffer against pollutants and providing shade and new habitats for wildlife. "We want to revive the local landscape," said Rebecca Zeyzus, executive director of the Allegheny Watershed Alliance, which is overseeing the project. The nonprofit offers support to grassroots watershed groups in and around the county, helping them ...

Letter: Consider the science regarding unborn children and climate

### **PITTSBURGH TRIBUNE REVIEW**

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Environmental Justice Review Completed For Fmr Jeannette Glass Plant Demolition and remediation work at the former Jeannette Glass site could begin in the next several months. An environmental review of the blighted 13-acre property is completed and the Westmoreland County Industrial Development Corp. is awaiting a response on its cleanup plan from the state Department of Environmental Protection, according to corporation director Jason Rigone. Officials estimate it will cost about \$6 million to ready the parcel for future development. "We've owned the site since sometime in 2016, and nothing has really visually happened on site," Rigone told Jeannette council this week. "That doesn't mean that work's not being done. We have to go through the environmental review process." The county agency bought the former plant in 2012 for \$305,000 at a tax sale. But years of court challenges over the validity of the sale from the previous owner — late New York businessman Abraham Zion — stymied its plans to clean up and redevelop the deteriorated site that is littered with remnants of glass production. After the state Supreme Court upheld the sale, both parties reached a settlement in mid-2016 that permitted Zion Bullitt Avenue LP officials to remove personal property from the site until Sept.

1. Zion, who died in April, purchased the factory in 1983 for \$4 million and promised to resurrect it. Instead, it sat dormant. The site's redevelopment is "pivotal to the revitalization to the downtown area," Mayor Richard Jacobelli said.

Bald Eagle Freed From Leg Trap Appeared Healthy Perched on the arm of a bucket truck, U.S. Army staff from Fort Indiantown Gap in Lebanon County saved a bald eagle that was entangled in a tree with its leg stuck in a trap. The Pennsylvania Game Commission reported the rescue on its Facebook page late Thursday afternoon. Game Commission staff believe it is the same bird that was photographed Sunday, flying around with the trap dangling from its leg near Gettysburg on Sunday. A hiker spotted the entangled bald eagle in a tree at Fort Indiantown Gap Wednesday, according to the Game Commission. The wildlife program staff at the military base used a bucket truck to reach the bird stuck more than 30 feet high in the tree. They were able to open the trap to release the eagle. "The bird appeared healthy and alert and eventually flew off," according to the Game Commission. The trap did not have the required trapper identification tag, according to the agency. It also appears that the trap might have been set illegally, according to the Game Commission. It is illegal to set a trap with bait visible from the air, a rule designed to protect birds of prey such as bald eagles. The bird's photo, taken Sunday in Bonneauville, a town about five miles from Gettysburg, went viral on Facebook...

## **STATE IMPACT PENNSYLVANIA**

Drexel Study: Methane Levels Increase As Well Sites Decline A new study shows that background levels of methane in Northeast Pennsylvania increased significantly at a time when well drilling activity decreased, pointing to leaks of natural gas during production and transportation. Researchers from Drexel University found that atmospheric levels of the potent greenhouse gas increased by 100 parts per billion between 2012 and 2015. Typically, background levels of methane would have increased by 18 parts per billion in three years, according to the study's director Peter DeCarlo, who runs Drexel's Air Resource Research Laboratory. "So there's clear increases in emissions happening in that region over this time span," DeCarlo said. The study adds to a growing body of research on the overall climate impact of switching power plants from coal to natural gas. Methane is considered more potent a greenhouse gas than carbon dioxide because although it breaks down more quickly than CO<sub>2</sub>, it traps heat 28 times more effectively over the course of 100 years. This week, Pennsylvania's Department of Environmental Protection issued new proposals for regulating methane emissions. The methane measurements were not taken directly from natural gas sites like compressor stations or well sites, but instead ground-level sampling occurred across Northeast Pennsylvania, where there's a heavy concentration of shale gas drilling. Fewer wells were drilled between 2012 and 2015, but the amount of natural gas produced more than doubled during that time. "So this increase in methane that's happening in the background is not from new wells being drilled," said DeCarlo. "Pulling that natural gas out of the ground is what's leading to these background concentrations." He said researchers eliminated changes in atmospheric conditions as a cause, and there were no local changes in agricultural activity that would have created such a large jump in methane...

## **DREXEI NOW**

Methane Levels Increased In Shale Region Despite Dip In Well Installation Despite a slow down in the number of new natural gas wells in the Marcellus Shale region of Northeast Pennsylvania, new research led by Drexel University finds that atmospheric methane levels in the area are still increasing. Measurements of methane and other air pollutants taken three years apart in the rural areas of Pennsylvania that have been the target of natural gas development over the last decade, revealed a substantial increase from 2012 to 2015. “Methane is increasing globally, but the rate of increase for this region is much more rapid than global increases,” said Peter DeCarlo, PhD, an assistant professor who studies atmospheric chemistry in Drexel’s College of Engineering and College of Arts and Sciences, who led the study. “The rapid increase in methane is likely due to the increased production of natural gas from the region which has increased significantly over the 2012 to 2015 period. With the increased background levels of methane, the relative climate benefit of natural gas over coal for power production is reduced.” Since the first shale gas wells were drilled in the Marcellus Shale Basin, a region that diagonally bisects the state from the northeast to the southwest, there have been concerns about what unlocking the new stores of fossil fuel by an unconventional method, called hydraulic fracturing, could mean for the environment. Nearly a decade later, researchers are still working to understand just how the chemicals released and the chemicals used to release them are lingering in the water and air.

### **WESA-PITTSBURGH'S NPR STATION**

How Climate Change Skeptic Myron Ebell Is Shaping Trump's EPA President Trump has been making good on a variety of campaign promises, from his executive order on immigration to his pick to fill the current vacancy on the Supreme Court. And Myron Ebell, who headed the administration’s transition at the Environmental Protection Agency, says there’s no reason to believe Trump won’t follow through on his controversial promises on the environment too—including big changes at the EPA. Ebell himself is a controversial figure. He’s director of the Center for Energy and Environment at the Competitive Enterprise Institute, a Washington think tank that promotes small government policies and is a vocal critic of not just the EPA but of climate science in general. When it comes to the EPA, his vision is pretty simple: He’d like to shrink it. “One of the best ways to make changes is to reduce its role and shrink its workforce,” Ebell says. “I hope the Trump administration is serious about the things they said during the campaign about [the EPA] being an obstacle more than a help; that in many cases, it’s not really concerned with environmental protection, it’s concerned with carrying out the agenda of the environmental pressure groups and what I call the ‘climate industrial complex.’” Presumably, that would mean going in the opposite direction of, say, Obama’s Clean Power Plan, which outlined steps for reducing greenhouse gases that cause climate change. Trump has called climate change a hoax; and Ebell is often described as a “climate denier.” It’s a label he rejects. He says he doesn’t deny that greenhouse gases can cause climate change; but he doesn’t think the issue is as serious as the scientific community has made it out to be.

### **DAILY CALLER**

Feds Ignored Contamination For DECADES In Poor Neighborhood Superfund Site

PHILADELPHIA — Environmental Protection Agency (EPA) officials let pollution threaten a community “in the minority” with limited money and influence for more than 35 years, a local environmental activist said. Congress ordered the EPA and Fish and Wildlife Services (FWS) to study and clean pollution at the FWS-owned John Heinz National Wildlife Refuge at Tinicum

near Philadelphia, Pennsylvania in 1980. Little waste has been cleaned up since that time and contaminants are still leaking into the Darby Creek, running through the refuge, even though it was made a Superfund site in 2001. “It’s been a long, slow process,” Darby Creek Valley Association President Jaclyn Rhoads told The Daily Caller News Foundation. “We’re all frustrated. The residents are frustrated.” “If it were in a much more affluent community or had people with connections to elected officials, you might have seen quicker action,” she continued. “They’re still waiting for a final action that fully addresses the problem.” Rhoads’ association has fought to protect the Darby Creek watershed since 1988. The group received EPA funding in recent years to hire an expert that can explain the agency’s scientific findings in a way the public can understand. The Eastwick community in southwestern Philadelphia was among the neighborhoods the pollution at the refuge affected. Eastwick’s 26 percent poverty rate was double the national rate, and its median household income was around \$15,600 short of the country’s median household income. The neighborhood is also 43 percent black – more than triple the national ratio. “We’re talking about a community that is in the minority,” Rhoads told TheDCNF, regarding the neighborhood’s income level. “We’re not talking about an affluent community that can pull together their resources and fight back. They didn’t have resources to leverage.”

### **PENN STATE NEWS**

Great Lakes Trip Boosts Watershed Protection Efforts At Penn State Erie ERIE, Pa. — Below deck on the R/V Lake Guardian, the largest of the U.S. Environmental Protection Agency’s research vessels, Ann Quinn secured what she could, boxing lab samples as the ship see-sawed through rough water. The Guardian was caught in a 300-year storm. To the south, in Wisconsin, the governor had declared a state of emergency. Two men had died as water swept over the roads, cutting all access to Ashland. A sheriff’s deputy, his car carried off by the water, had clung to a tree for two hours until rescuers could throw ropes to him. Quinn, the director of Greener Behrend, a student-centered sustainability program at Penn State Erie, The Behrend College, would have to ride the storm out. She was four days into the Lake Superior Shipboard Science Workshop, a weeklong education program coordinated by Sea Grant’s Center for Great Lakes Literacy and the EPA. She grabbed a bulkhead for balance. “In a storm event, the ship’s foghorn blows every seven minutes,” she said. “That night, it was constant, and it went on for hours.” The storm damaged or destroyed 85 boats, most of which had anchored at Saxon Harbor. The Guardian escaped harm. In the morning, the crew resumed its research; for Quinn, that meant lowering a plankton net, hoping to snare spiny water fleas...

### **HAZELTON STANDARD SPEAKER**

Wolf proposes 6.5 percent severance tax Gov. Tom Wolf wants to impose a 6.5 percent severance tax on Marcellus Shale production, which could generate hundreds of millions of dollars in revenue. The proposal, included in Wolf’s proposed \$32.3 billion state budget unveiled Tuesday, is the governor’s third attempt to levy a severance tax on the state’s natural gas industry. Prior efforts to implement a 5 percent and 6.5 percent severance tax gained little traction in the Republican-controlled General Assembly during the first two years of the Wolf administration. Wolf spokesman J.J. Abbott said the proposed severance tax would generate \$293 million in revenue for state coffers after impact fee revenue is subtracted. Opponents argue that a severance tax will stifle job growth and hamper the natural gas industry statewide. “We’re disappointed that Gov. Wolf continues to focus on additional energy taxes, which will further

harm the commonwealth's economic competitiveness and cost good-paying, Pennsylvania jobs," according to a statement issued Tuesday by the Marcellus Shale Coalition, an industry trade group.

### **LANCASTER NEWSPAPERS**

Good news: Adams County eagle caught in steel trap has slipped the trap The Adams County eagle that has attracted worldwide concern while flying around with a leghold trap latched onto one foot has slipped the trap, observers reported Thursday morning. Karen Lippy, a York County birdwatcher who has monitored the bird, reported on Facebook: "I got a message from the Game Commission late last night. It said that watchers on the ground have confirmed that the eagle with the trap on its talon has managed to remove the trap. It was seen on the ground and appears to be walking with great difficulty. "The local warden has placed road kills in the area of the nest which will be monitored with game cameras. If it is determined that the eagle still needs care, it will then be trapped. There is hope that it will recover on its own and be able to stay with its mate. "Will there be a successful nesting from this pair this year? This bird has been through tremendous pain and trauma for several days. It may mean that the eagle's body shuts off the drive for nesting to recuperate. Only time will tell." The male eagle, even though it was in pain, had been seen in recent days gathering grass for the nest it has shared with its mate for about three years. The pair was also seen flying in a courtship ritual. The nest is located midway between Gettysburg and Hanover. Photos of the eagle, with its talons caught in a trap and dragging a chain, went viral...

### **READING EAGLE**

Tilden Township to join cooperative group Tilden Township, Pa. -- The Tilden Township supervisors agreed to join the Berks County MS4 Steering Committee to satisfy stormwater management requirements. Supervisors adopted an ordinance Wednesday to authorize the township's membership in the intergovernmental cooperative organization. Joining with area municipalities will help satisfy the education requirements of the Pennsylvania Department of Environmental Protection's Municipal Separate Storm Sewer Program, Solicitor Joan London noted. "It's best to work together with the county agencies," she said. Committee membership will cost the township \$1,000 a year. Liberty Environmental of Reading was hired to complete the township's MS4 application due in September. "We don't have the knowledge," Township Manager Cheryl Haus said. Supervisors Chairman Gene Schappell reported that Engineer Greg Haas and Road Master Michael Quick inspected commercial properties in October as required by the Chesapeake Bay Clean Water Act. Four sites were noted as having minor stormwater problems: Freedom Hyundai, Tilden Ridge Shopping Center, Pleasant Hills Mobile Home Park and Cabela's. "It's a good thing we go look at these," Schappell said. "It's nothing major." He confirmed Haus would send letters to the businesses informing them of the findings. In other business, Schappell announced the township would be reorganizing its office staff. Bonita J. Conrad of Tilden township was approved by supervisors as a new secretary, to work about 24 hours a week at \$15.50 an hour. "We feel we picked the right person," Schappell confirmed of the 32 applicants who applied for the new position.

### **SCRANTON TIMES TRIBUNE**

DEP OKs Sewage System Around Lake Carey The state Department of Environmental Protection gave the final OK for a plan identifying a sewage/water collection system around

Lake Carey. Tunkhannock Twp. Supervisor Veto Barzilowski said the move essentially clears the way for the Lemon Twp./Tunkhannock Twp. Joint Municipal Authority to go after some long-term funding options to make the project happen.

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## WASHINGTON, D.C.

### **WASHINGTON POST**

1 million gallons of wastewater overflows at Md. treatment plant A sewer main break at a wastewater treatment plant forced more than 1 million gallons of water to overflow at the Prince George's County facility, a spokeswoman said Thursday. A pressurized sewer main at the plant ruptured at about 1:40 p.m. Thursday, said Lyn Riggins, a spokeswoman for the Washington Suburban Sanitary Commission. The break, which happened at the Piscataway Wastewater Treatment Plant in Accokeek, Md., and the overflow of water does not affect drinking water, Riggins said. The plant – on Farmington Road – is one of several wastewater treatment plants operated by Washington Suburban Sanitary Commission in the D.C. region. The commission provides water and sewer services for communities in the area, including Prince George's County and Montgomery County. Riggins said the water overflow is on plant grounds. Crews will dig to locate the break and make repairs. But while they do, water will continue to come in. She said that early calculations show that the overflow has exceeded 1 million gallons and that number will continue to grow. "We can't stop it," Riggins said. "You can't stop the wastewater from going – it has to go somewhere. It's going to keep flowing and we will work around the clock until we get equipment in place." What kind of equipment? Temporary pipes that will divert the overflow to retention basins, she said. Riggins added that the overflow is being carefully monitored. Signs are posted in the area of the overflow along Piscataway Creek, she said, and once it stops the commission will "take all appropriate measures to clean up the impacted area."

Federal managers say Trump's hiring freeze hurts government President Trump directs, but it is federal employees who do. When it comes to his government hiring freeze, the managers and supervisors who have to implement it — and suffer its consequences — don't want to do it. At a Senate hearing Thursday, representatives of the Federal Managers Association (FMA) and the Senior Executives Association (SEA) outlined how the freeze is detrimental and counter-productive. Even the Republican subcommittee chairman dumped, however gently, on the president's plan. Trump, whose quick-draw actions precede thoughtful consideration of consequences, ordered the freeze on Jan. 23, just three days after taking office. Though the freeze is now in effect, it's not too late for him to listen to those who have to manage the repercussions of his short-sighted directive. Here is some of what they told the Homeland Security and Governmental Affairs federal management subcommittee. FMA President Renee M. Johnson: "FMA steadfastly opposes any blind, arbitrary plans to cut the federal workforce. ... Managers need the tools that enable them to achieve their goals of ensuring national security, public safety, and each American's quality of life. ... The American taxpayer would be better served with improvements to the workforce, not blind cuts. All federal agencies should be allowed to match hiring actions that align with essential mission and funding."...

Two 10,000-pound whales were found dead this month in Virginia Two young whales were found dead in Virginia's Hampton Roads area this month, probably after being struck by boats, officials said. The first whale was discovered floating near the Hampton Roads Bridge on Feb. 2, a spokesman for the Virginia Aquarium said in an email, and the second was found floating near the Chesapeake Bay Bridge Tunnel on Feb. 4. Both were dead before recovery efforts began. The whales were juvenile humpbacks more than 30 feet long and weighing more than 10,000 pounds. Although investigators are awaiting test results to determine the causes of the deaths, the first whale had external injuries consistent with a propeller strike. The second had no external injuries, but internal injuries that may be related to being struck by a vessel, the spokesman said in an email.

### **WTOP NEWS RADIO**

Feds missed drinking water 'risk' with Potomac sheen, utilities say WASHINGTON — Local water utilities say they were left off a special “unified command center” set up by Environmental Protection Agency to respond to an oil sheen on the Potomac River late last year and that the feds focused too much on determining who was responsible for the spill and not enough on protecting the D.C. water supply. Regional water utilities are undertaking their own “after-action” report on the sheen to better prepare for future spills, according to a memo prepared ahead of a Wednesday meeting of the Metropolitan Washington Council of Governments. “Of critical concern is that the EPA focused on finding the responsible party for the sheen and did not appear to recognize the risk to and the need to protect the region’s drinking water supplies,” the memo stated. “The drinking water utilities are concerned that this may have resulted in a delay in the release being contained and stopped.” The Potomac sheen was first spotted Nov. 27 near Whites Ferry, Maryland, sparking an EPA response, which included diverting it with booms. Testing determined the substance was petroleum based and it was eventually traced to an NRG power station in Dickerson, Maryland. The water utilities also installed protective booms in the Potomac and shut off access to intake valves to protect the water supply. But the companies were not included as part of EPA’s command center. “At first, the issue was to identify what was going on, protect the river and, initially, we were not as involved as we eventually were on the water-treatment side,” Tom Jacobus, general manager of the Washington Aqueduct, told WTOP after the utilities’ presentation Wednesday. “There perhaps can be a notion that, well, a water treatment plant can treat anything that’s in the river.” In fact, the utilities are not designed to treat oil-slickened waters and the only recourse is to shut off intake valves. Lessons learned from November’s spill will aid future response efforts, Jacobus said...

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## **DELAWARE**

### **DELAWARE CAPE GAZETTE**

Sussex officials seek vision for new plan As discussion begins on updating Sussex County's comprehensive land-use plan, debate over a vision statement for the document is front and center. Planning and Zoning Commissioner Marty Ross questioned why creating a vision statement was not the first item on the agenda. “We are going out of order,” he said. “First, you have a vision and then you write goals and objectives to achieve that vision.” He noted the 2008

plan did not even have a vision statement. County council members and planning and zoning commissioners gathered during a Feb. 7 workshop to hammer out that vision and goals and objectives as they work toward writing the elements that make up the plan. It appears coming to a consensus on the vision will take time. Consultant Alexis Williams of McCormick Taylor said a vision statement is not required by the state, but she stressed creating one is an important step. She said a vision statement sets the overall tone and the direction of the plan and reflects a picture of what officials and residents want the county to look like in the future. County Council President Mike Vincent said they would stick to the agenda and discuss the vision statement near the end of the meeting. At the end of the workshop, officials agreed to allow staff and the consultants to use officials' and the public's comments to craft possible vision statements for critique by county council members and planning and zoning commissioners at a future workshop. "If you ask all of us, we'll be here another four hours," Councilman George Cole said. The new plan must be adopted by county council by June 2018 and then approved by state planners and the governor... The environmentally sensitive development district overlay zone has surfaced as a hot-button topic during early discussions on the update of the plan. Most of the land around the Inland Bays in coastal Sussex has been designated a special district.

One injured in Mountaire explosion One person was hospitalized with severe injuries following an explosion Feb. 9 at the Mountaire Farms chicken processing plant in Selbyville. The explosion happened about 3 a.m. after a male employee, 34, accidentally mixed two chemicals in a 2 1/2-gallon sprayer, said Harry Miller, chief deputy state fire marshal. The sprayer over pressurized, causing it to explode. The worker was taken to Peninsula Regional Medical Center for facial trauma and chemical burns. There was minor damage to the room where the explosion occurred. According to the Selbyville Volunteer Fire Department, there was no danger to the town and surrounding area. County and state hazmat teams cleared the scene about 5:30 a.m. Firefighters from Selbyville, Frankfort and Roxana responded to the scene.

### **DELAWARE PUBLIC MEDIA (NPR)**

Chemical explosion at Mountaire Farms leaves employee critically injured An explosion at a Mountaire Farms chicken processing plant in Selbyville has left one employee in critical condition. Selbyville Volunteer Fire Company chief Matt Sliwa said the fire company and Sussex County EMS responded to a call about an explosion at Mountaire Farms at 3:06 a.m. Thursday. An employee on cleaning detail mixed two chemicals together in a sprayer. The chemicals reacted, causing an explosion. Sliwa said the incident reinforces the importance of reading the labels on cleaning products, whether in an industrial or home setting. "Make sure you understand what products can be mixed with other products, and what products cannot be," Sliwa said. "In this scenario two chemicals were put in a closed container that severely reacted with each other..." The employee was the only one hurt and was immediately transported to a hospital. Several other employees had to be decontaminated.

Delaware wants to lead the peloton of bike friendly states Delaware is currently the nation's third most bike friendly state, according to the League of American Bicyclists. But state officials aren't satisfied with that ranking. So Delaware's Department of Transportation is hosting a series of public meetings in late February to find out how it can make the state even more bike friendly. The workshops will be opening listening sessions, according to Anthony Aglio, a bicycle planning manager for DelDOT. "We're trying to pull people in to ask them why they

aren't bicycling, what do they like about bicycling, how can we make it better for them?" he said. The state has also created an online survey to learn about people's cycling priorities. "Is it safety, is it convenience, is it access to schools?" Aglio said. DelDOT will use the input from the meetings and surveys to determine if they should be building more bike lanes, trails or safe routes to schools. DelDOT will present a draft plan in another round of public meetings this fall. And then will use that input to craft a final plan to be released in early 2018. Delaware has made great strides in becoming more accommodating to cyclists. In 2008, The League of American Bicyclists ranked Delaware as the 31st most bike friendly state. The state is currently ranked third. But it will never make it to first if it doesn't get more people riding bikes. "We've built a lot of great things, we've had a lot of legislation passed. We've started to work with our enforcement agencies to get people to ride the right way. We just need to get more people biking," Aglio said.

### **MIDDLETOWN TRANSCRIPT**

Open Space Council seeking public input Public workshops will be held this month for gathering comment about the Open Space Program Plan after amendments made to the state's Land Protection Act in 2016 and public concern about certain components of the Open Space Program. Workshops will be held:...

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## **WEST VIRGINIA**

### **CHARLESTON GAZETTE-MAIL**

Citizen groups gearing up for water protection battles After Gov. Jim Justice's promise on Wednesday night to rein in what he depicted as out-of-control state regulators, and following a meeting with Department of Environmental Protection Secretary Austin Caperton, environmental groups are gearing up for potential fights this legislative session over rules that aim to protect West Virginia's rivers and streams. The West Virginia Environmental Council, the West Virginia Rivers Coalition and other groups are concerned that efforts will be made to reverse the longstanding policy of protecting all of West Virginia's streams as potential drinking water sources. They also are worried that industry lobbyists may work to try to gain more exemptions to the chemical storage tank law passed following the January 2014 Freedom Industries spill, or seek to bring back a proposed change in the way West Virginia calculates water pollution permits, a change that could allow more cancer-causing chemicals to be discharged. In an email on Thursday, the Environmental Council said Justice and the Legislature "have declared war against West Virginia's environmental protection regulations and pledged allegiance to outside industry in the name of dollars and cents." "We cannot allow the governor or the Legislature to further poison our water systems and the air we breathe by weakening the business-friendly regulatory standards already in place," the group said. In his State of the State speech, Justice promised that he was ordering DEP to stop saying "no" and standing in the way of business growth, and depicted the agency's inspectors as wearing "T-shirts and old jeans" and "not having shaved in forever."...

### **WEST VIRGINIA PUBLIC BROADCASTING**

Eastern Panhandle group silently protesting pipeline plans MARTINSBURG, W.Va. — More than 100 people are expected to gather Thursday for a silent protest during a TransCanada open house in Hancock, Md. regarding the company's plan to put a pipeline under the Potomac River and the C&O Canal and into West Virginia. "They've (TransCanada) decided to build a pipeline that will take fracked gas from Pennsylvania through about 10 properties in Maryland under the C&O Canal and under the Potomac River," according to Russell Mokhiber with Eastern Panhandle Protectors. Mountaineer Gas would then take over and bring the pipeline into Morgan County and into Martinsburg and Jefferson County. Mokhiber said Thursday on Panhandle Live on MetroNews affiliate WEPM in Martinsburg the group has concerns about the impact the project might have on the river, which supplies drinking water to millions of people. "If TransCanada can't get approval from the Army Corps of Engineers, the national park Service and FERC, then the Mountaineer Gas Pipeline fails because there will be no gas to transport," Mokhiber said. According to Mokhiber, former TransCanada Engineer Evan Vokes said there are real concerns about the company's ability to complete the project safely. "He (Vokes) is a pro-fossil fuels, pro-pipeline engineer who believes that the company runs a slipshod operation when it comes to compliance and safety of its pipeline." Vokes has not returned a request for comment. Mokhiber said there have also been reports of TransCanada bullying and intimidating affected land owners. "Land agents are going to farmers and telling them 'if you don't take our offer, we're going to take your property with eminent domain.'" Proponents of the project say it will create opportunity for economic growth by bringing increased access to natural gas to the Eastern Panhandle for industry and individuals. The open house is set for 6:00 p.m Thursday at the Hancock Town Hall.

### **WHEELING INTELLIGENCER**

West Virginia Natural Gas Well Map for Completed Marcellus Shale Natural Gas Wells There are nearly 3,200 wells currently drilled into the Marcellus Shale formation in West Virginia. Click the link [here to view our latest maps](#), created and uploaded today. On the maps, you can click on each tab to find information such as the company the drilled the well, the county the well is located in, the surface owner, mineral owner, and natural gas, oil and natural gas liquids production from each well for 2013-2015.\_

### **ASSOCIATED PRESS (W. Va.)**

Feds: West Virginia Mining Regulations Aren't Being Enforced Federal officials say the West Virginia Department of Environmental Protection has failed numerous times to enforce state rules governing the coal-mining industry. A three-year investigation by the Department of Interior's Office of Surface Mining Reclamation Enforcement concluded that the department exhibited a lack of proper water quality monitoring, poor oversight of reclamation standards and inconsistent efforts to ensure mountaintop removal doesn't cause localized flooding. The report says mine inspectors weren't collecting quarterly water pollution samples, even at mines which had repeatedly violated permit limits. The DEP was privately told of the findings last fall and has said it would more than double the state water sampling budget this year. DEP spokesman Jake Glance did not immediately respond to requests for comment.

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## MARYLAND

## **WBAL-TV 11 BALTIMORE**

Anti-Trump agenda inspires bills, resolutions in Md. ANNAPOLIS, Md. — State Democratic leaders are expediting bills that they believe will protect Maryland from being harmed by the Trump administration. Tensions over an anti-President Donald Trump agenda prompted Senate Republicans to do something that rarely happens: walk out of the chamber in protest. Senate President Mike Miller said their actions broke his heart... Democrats worry that the president's pick to head the Environmental Protection Agency will lead to rolling back protections for the Chesapeake Bay. They're also concerned that his pick for U.S. attorney general will disrupt local efforts to curb crime. And, they worry about Obamacare rollbacks.

## **CHESAPEAKE BAY JOURNAL**

Irish firm tackles burning issue of Maryland's poultry waste State-subsidized pilot project on Dorchester farm generates energy from manure, reduces pollution. The first thing a visitor notices when stepping inside two of Brad Murphy's chicken houses is the smell. Usually, the acrid reek of ammonia assaults the senses upon stepping into a 40,000-bird house. But in these two, there's barely a whiff. That's because Murphy's farm on Maryland's Eastern Shore, called Double Trouble, is part of the state's big experiment in converting animal manure to energy. An Irish firm, BHSL, has put in a \$3 million system that burns the poultry waste to heat the houses. The system curtails the ammonia fumes that not only make poultry houses stink, but compromise the birds' health. It also can give farmers a financial boost — they can avoid paying for propane to heat the houses, and even make a little income from selling excess energy generated by the system that's fed into the electric grid. Maryland's Department of Agriculture has committed nearly \$3.8 million to try out a variety of manure-to-energy projects, \$1 million of which went to the Double Trouble project. It's the largest investment made by any Chesapeake Bay watershed state toward finding alternative uses for the massive amounts of animal waste generated by poultry, dairy and other livestock farms. Gov. Larry Hogan is scheduled to visit Murphy's farm near Rhodesale on Feb. 13 to see the system.

Three examples show how ripples can become waves to save the Bay The saying goes: "It takes a village." To fully implement the Chesapeake Clean Water Blueprint, governments, businesses and citizens all must do their part. Every day, I meet people working to reduce pollution and restore local rivers, streams and the Chesapeake. What I have learned is that Bay's village is huge. Few get the credit they deserve. As we enter the new year, I would like to share three stories. There are many thousands more. **Brad Seeley:** Chesapeake Bay technician Brady Seeley is on the frontline, conducting farm inspections in Cumberland County as part of Pennsylvania's renewed effort to get pollution reduction back on track. The state Department of Environmental Protection asked conservation districts to inspect 10 percent of farms in Pennsylvania's portion of the Bay watershed for the required manure management and erosion and sediment plans. Some conservation districts opted not to do inspections, fearing they might strain relations with farmers. But the process has gone smoothly in the Cumberland County Conservation District, thanks to Seeley's familiarity with farmers and his experience growing up on a small dairy farm in the Keystone State. He has been with the district nearly three years...

## **ASSOCIATED PRESS (Md.)**

Water Permit Enables Growth Of Western MD Coal Mine GRANTSVILLE, Md. (AP) - The Maryland Department of the Environment is giving a western Maryland coal mine permission to increase the amount of water it discharges into the Casselman River as production increases. The agency announced on Thursday its final determination to renew a discharge permit for the Casselman Mine, owned by Corsa Coal Corp. of Canonsburg, Pennsylvania. The maximum permitted discharge of mine drainage and storm water would rise from 290,000 gallons to 2.2 million gallons per day, the anticipated flow rate for the life of the mine. The underground mine near Grantsville opened in 2010. The U.S. Energy Information Administration reports that production reached 471,000 tons in 2015. Corsa estimates on its website that production will reach 575,000 tons in 2017. Corsa says the mine has an expected life of 11 years.

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## VIRGINIA

### **LYNCHBURG NEWS AND ADVANCE**

Gillespie calls for cutting regulations, growing small businesses at roundtable Gubernatorial candidate Ed Gillespie made a campaign stop in Lynchburg on Thursday afternoon alongside Republican Kentucky Gov. Matt Bevin to discuss his plans to cut regulations for businesses, foster small business growth and diversify the state's economy if elected in 2017.

The Republican hopeful took questions and heard ideas from about two dozen business owners in the first of the Lynchburg Regional Business Alliances roundtables scheduled through the spring to bring all of the candidates to the region leading up to the election to replace Gov. Terry McAuliffe... Gillespie also cited regulatory costs for construction, especially environmental rules. While he supports keeping the Chesapeake Bay clean, he wants to make regulations more efficient to cut down on costs for consumers. "I was talking to a home builder in Loudon County the other day, and he told me the cost of regulation embedded in the price of a new home is \$20 [thousand] to \$30 thousand," he said. "That's a lot of money for a working family, which makes home ownership more difficult. I suspect we can implement regulations that protect the bay in a more efficient manner without increasing the cost of home ownership." He also discussed his plan to encourage expansion and "natural organic growth" in small businesses in the commonwealth instead of prioritizing bringing in new companies.

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## MISCELLANEOUS

### **BNA DAILY ENVIRONMENT REPORT**

EPA Nominee Pruitt Set for Feb. 15 Confirmation: Inhofe The confirmation of Oklahoma Attorney General Scott Pruitt as the next EPA administrator is tentatively scheduled for Feb. 15, a prominent Senate Republican and Pruitt supporter told Bloomberg BNA Feb. 9. That would mean Pruitt would take the reins of the Environmental Protection Agency just one day before an Oklahoma district court is scheduled to hear a legal challenge over a long-delayed request for e-mails shared between Pruitt's office and fossil fuel companies. Sen. James Inhofe (R-Okla.), the former chairman of the Senate Environment and Public Works Committee, said the vote on

Pruitt will follow the confirmations of Rep. Tom Price (R-Ga.) as Health and Human Services secretary and Steve Mnuchin as Treasury secretary. “He’ll be the next one in line, so that’s why we’ll be able to” confirm him on Feb. 15, Inhofe told Bloomberg BNA. Republican leadership didn’t confirm that date. There is a “cluster of possibilities for next week and Pruitt is one of them,” Sen. John Thune (R-S.D.), the third-ranking member of the Senate Republican caucus, told Bloomberg BNA. Senate Majority Whip John Cornyn (R-Texas), however, told reporters last week Pruitt would follow Mnuchin.

Will Scott Pruitt Come to Love EPA Leniency He Once Opposed? Scott Pruitt’s mission to roll back Obama EPA regulations, particularly on climate, could be as simple as rereading the Clean Air Act. Pruitt, President Donald Trump’s pick for Environmental Protection Agency, championed narrow readings of EPA power in legal battles with the agency as Oklahoma attorney general. Now, however, the wide latitude afforded to regulators by the courts to interpret the law could prove to be his best tool to undermine or eliminate climate regulations on power plants or limit the reach of the Clean Water Act. If confirmed as administrator, Pruitt could revive some of the arguments he had offered against Obama-era EPA regulations, reading new limits on the agency’s power that could pass judicial muster, attorneys said. “When he’s argued in the past that the plain language [of the law] supports his position, you’d also expect to see a repeat of those arguments,” Jonathan Adler, director of the Center for Business Law and Regulation at Case Western Reserve University School of Law, told Bloomberg BNA.

In lawsuits against the EPA, including one attempt to have the EPA’s carbon dioxide standards for power plants, known as the Clean Power Plan, heard in an Oklahoma District Court, Pruitt accused the Obama administration of an attempt to “manufacture ambiguity to expand its interpretative license” of laws such as the Clean Air Act and Clean Water Act.

“That certainly would have been a reasonable interpretation the first time around,” said Seth Jaffe, a partner in Foley Hoag LLP’s Boston office who has argued conservatives should embrace Chevron deference. Courts often grant agencies deference to interpret and implement laws that have ambiguous elements. But Pruitt’s own interpretive license could be his best bet for clawing back regulations he opposes.

Vehicle, Furniture Makers Urged to Increase Role in Toxics Law Vehicle, furniture and other product makers should increase their participation in the EPA’s implementation of the amended Toxic Substances Control Act lest chemicals they need become unavailable to them, attorneys told Bloomberg BNA in recent interviews.

Newest Senator Is No Stranger to EPA The new Alabama senator tapped to replace just-confirmed Attorney General Jeff Sessions is no stranger to the EPA, or to President Donald Trump’s pick to head the agency.

## **GREENWIRE**

Trump’s CEQ: Powerhouse or backwater? With two top energy staffers expected to soon start work in the Trump White House, attention is now turning to another critical environmental post.

President Trump hasn't yet announced a nominee to take the helm of the White House Council on Environmental Quality, a job that could be among the most powerful environmental jobs in government. It remains to be seen whom the administration will name for the job, or whether the role will be influential or take a back seat to powerful voices in the West Wing. Energy experts and those close to the administration are watching carefully to see how the Trump team handles the White House environmental shop. "I'm just hoping they'll make full use of it," said Jim Connaughton, who was CEQ chairman during the George W. Bush administration and is known for having elevated the profile of that office. The new president has a very ambitious and a very aggressive agenda on infrastructure of all stripes, and ... the CEQ engine is a very important tool the White House has to advance that agenda," Connaughton said. "Getting someone confirmed in as soon as possible is an imperative."...

EPA: Agency reminds employees to watch what they say U.S. EPA wants its employees to be mindful about what they say in their official capacity. The agency's Office of General Counsel sent out an email, dated Feb. 3, with ethics reminders for EPA employees. The message, obtained by E&E News, said agency workers are free to speak their minds but told them to not forget federal ethics rules and to make sure to avoid offensive behavior. "Many EPA employees have inquired about the possible ethical implications of sharing your personal opinions on science, policy or politics, particularly in social media," said the email, adding, "You as a United States citizen are free to express yourself about matters that are important to you, including ones that relate to EPA. Your ability to express yourself includes doing so in the workplace and in personal social media." Yet as federal employees, EPA workers need to watch what they say in their official positions and make sure they comply with agency rules barring "abusive or offensive" conduct. "But, when you do express yourself in the workplace or EPA (which is your workplace), there are three things you should bear in mind: the federal ethics rules continue to apply to you as they always have; the rules depend on whether you are speaking in your official EPA capacity or your individual personal capacity; and your expression of your views in the workplace needs to comply with agency orders prohibiting conduct that is 'abusive or offensive,' or that constitutes harassment," said the email...

EPA: White House blocks some staff from attending climate event Days before this week's environment conference in Alaska, U.S. EPA officials were abruptly told not to attend. The Trump administration instructed the agency to cut the number of staffers going to the conference. "We've never had this happen before," said Kurt Eilo, the organizer of the Alaska Forum on the Environment for nearly two decades. The event includes Native communities, agency officials and local residents. Discussions focus on issues of climate, melting permafrost and risks from rising seas. Half of the 34 registered EPA staff were allowed to attend. "It's clearly wrong and counterproductive to restrict EPA staff from attending meetings pertinent to the agency's mission," Melinda Pierce, legislative director for the Sierra Club, said in an email. While the administration called the move a way to save money, agency officials see it as a further assault on the agency. Since the inauguration, agency pages on climate and the environment have been erased or deleted. President Trump has called climate change a "hoax."

## **RIVER REPORTER (NARROWSBURG, NY)**

New Drilling Regs May Be Coming From Delaware River Basin Commission

NARROWSBURG, NY — Delaware River Basin Commission (DRBC) Executive Director Steve Tambini was on hand at the meeting of the Upper Delaware Council (UDC) on February 2, and he was questioned following his report. Hancock's Fred Peckham, citing a "special meeting" involving the New York City Department of Environmental Protection (DEP) and DRBC, asked if a long-awaited revision of the 2011 natural gas drilling regulations was in fact underway. Tambini confirmed that there had been a meeting and that there had been DEP reporting on it, but declined to make any further comment. "You'll have to find out when the public finds out," he said. Another source familiar with the process confirmed Tambini's remarks, adding that DRBC is now editing the new regulations, which may be forthcoming in the near future, to be followed by new public hearings and opportunity for public comment. As it had in the commission's work plan for 2015-17, the DRBC Water Resources Program for FY 2017-19 includes a special section for "natural gas and related infrastructure." That section is repeated word for word in the new program document, which is on the agenda of the scheduled February 15 commission public hearing and states: "...DRBC staff will support the development and advancement of natural gas regulations and related infrastructure guidance consistent with leadership on this matter at the Commissioner level... staff will continue to review, revise or redraft, as necessary, the previously published draft Natural Gas Regulations. Staff will provide support to the process leading up to an action on the regulations by the Commissioners."...

### **ASSOCIATED PRESS**

Tribe files legal challenge to stall Dakota Access pipeline CANNON BALL, N.D. — Construction crews have resumed work on the final segment of the Dakota Access pipeline, and the developer of the long-delayed project said Thursday that the full system could be operational within three months. Meanwhile, an American Indian tribe filed a legal challenge to block the work and protect its water supply. The Army granted Energy Transfer Partners formal permission Wednesday to lay pipe under a North Dakota reservoir, clearing the way for completion of the 1,200-mile pipeline. Company spokeswoman Vicki Granado confirmed early Thursday that construction began "immediately after receiving the easement." Workers had already drilled entry and exit holes for the segment, and oil had been put in the pipeline leading up to Lake Oahe in anticipation of finishing the project. "The estimate is 60 days to complete the drill and another 23 days to fill the line to Patoka," Ms. Granado said, referring to the shipping point in Illinois that is the pipeline's destination. Work was stalled for months due to opposition by the Standing Rock Sioux and Cheyenne River Sioux tribes. Both tribes argue that the pipeline threatens their water supply and cultural sites. In a statement, Cheyenne River Sioux Chairman Harold Frazier said the water "is our life. It must be protected at all costs."